



PATENT
Attorney Docket No. 044921-5028-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 23 2002

TECH CENTER 1600/2900

In re: Application of:

Darci T. HORNE *et al.*

Application No.: 09/880,107

Filed: June 14, 2001

For: GENE EXPRESSION PROFILES
IN LIVER CANCER

Group Art Unit: 1634

Examiner: Chakrabarti, A.K.

Commissioner for Patents
Washington, D.C. 20231

Sir:

ELECTION REQUIREMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to the Election Requirement dated June 20, 2002 (Paper No. 7). Because July 20, 2002 falls on a Saturday, in accordance with the USPTO's next business day practice the period for reply to said Requirement extends through July 22, 2002.
2. Additional papers enclosed:
 - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for ___ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	46	Minus	46	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. § 1.16(b))	17	minus	17	0	x \$84 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$
Reduction by 2 for filing by a small entity						- \$
TOTAL FEE =						\$

6. Fee Payment

☒ No fee is due at this time.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: July 22, 2002

By: Michael S. Tuscan
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